

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

LIBERTY MUTUAL FIRE INSUR-)
ANCE COMPANY)

Plaintiff,)

v.)

CIVIL ACTION NO.
1:23-cv-02047-LMM

RED ROOF INNS, INC., RED ROOF)
FRANCHISING, LLC, RRI WEST)
MANAGEMENT, LLC, FMW RRI)
NC, LLC,)

Defendants,)

JANE DOE #1, JANE DOE #2, JANE)
DOE #3, JANE DOE #4, W.K., E.H.,)
M.M., R.P., M.B., D.P., A.F., C.A.,)
R.K., K.P., T.H., H.B., and K.M.)

Nominal Defendants.)

**DEFENDANTS RED ROOF INNS, INC., RED ROOF FRANCHISING, LLC,
RRI WEST MANAGEMENT, LLC, AND FMW RRI NC, LLC’S
MOTION FOR THE COURT TO TAKE JUDICIAL NOTICE**

Pursuant to Federal Rule of Evidence 201,¹ Red Roof requests the Court take judicial notice of the fact that the lawsuit captioned as *W.K., et al. v. Red Roof Inns, Inc., et al.*, in the United States District Court for the Northern District of Georgia, Case No. 1:20-cv-05263, which is relied on as a basis for Plaintiff’s Amended

¹ Rule 201 (c) states “The court: (1) may take judicial notice on its own; or (2) must take judicial notice if a party requests it and the court is supplied with the necessary information.”

Complaint (Doc. 74, ¶¶ 71-87, 203-220), has settled and been dismissed. Red Roof requests the Court take judicial notice of this fact in ruling on its Motion to Dismiss Plaintiff's Amended Complaint filed contemporaneously. *U.S. ex rel. Osheroff v. Humana Inc.*, 776 F.3d 805 (11th Cir. 2015) (allowing courts to take judicial notice of facts in publicly filed documents on a Rule 12(b)(6) motion to dismiss if they are not subject to reasonable dispute).

Respectfully submitted, this 5th day of September, 2024.

FELLOWS LABRIOLA LLP

/s/ Shattuck Ely

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*Attorneys for Defendants Red Roof Inns,
Inc., Red Roof Franchising, LLC, RRI West
Management, LLC, and FMW RRI, LLC*

CERTIFICATE OF FONT AND POINT SELECTION

Undersigned counsel hereby certifies, under LR 7.1(D), NDGa, that the foregoing was prepared in Times New Roman, 14-point font, which is one of the fonts and point selections approved in LR 5.1, NDGa.

/s/ Shattuck Ely
Shattuck Ely

CERTIFICATE OF SERVICE

I certify that this day, I electronically filed the foregoing using the Court's CM/ECF system, which will send email notification to all counsel of record.

Respectfully submitted, this 5th day of September, 2024.

/s/ Shattuck Ely
Shattuck Ely